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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,548	08/28/2003	Todd D. Newman	03650.002189.	7607
5514	7590	08/22/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			LUU, MATTHEW	
			ART UNIT	PAPER NUMBER
			2676	

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/650,548

**Applicant(s)**

NEWMAN ET AL.

**Examiner**

LUU MATTHEW

**Art Unit**

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5-13 and 26 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 4 and 23-25 is/are objected to.
- 8) ☒ Claim(s) 14-22 and 27 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/28/03 &amp; 11/04/03</u> . | 6) <input type="checkbox"/> Other: ____  |

***Quayle Action***

This application is in condition for allowance except for the following formal matters:

***Claim Objections***

Claims 4 and 23-25 are objected to because of the following informalities:

-Claim 4, line 1, "the color target" lacks antecedent basis. Claim 4 should be dependent from claim 3. Claim 3, line 2, include "a color target".

-Claims 23, 24 and 25 should be dependent from "any of Claims 1 to 13".

Appropriate correction is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

***Response to Arguments With Traverse***

Applicant's arguments filed July 21, 2005 have been fully considered but they are not persuasive.

Group I, claims 1-13, 23-25/(1-13) and 26, drawn to generating an identifier key based on contents of a color measurement profiled for a color device, classified in class 345, subclass 600.

Group II, claims 14-22, 23-24/(14-22) and 27, drawn to arranging a plurality of identifier keys sequence, each identifier key corresponding to one of a device transform and a gamut mapping step, classified in class 358, subclass 518.

In the instant case, invention Group I has separate utility such as a method for generating an identifier key based on contents of a color measurement profiled for a color device without a plurality of identifier keys sequence, each identifier key corresponding to one of a device transform and a gamut mapping step. In the other words, each one of the inventions recited in Group I and Group II is separately usable in a system not having the other. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

***Reply to Final Must Include Cancellation***

This application contains claims 14-22, 23-24/(14-22) and 27 drawn to an invention nonelected with traverse in the response filed July 21, 2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

***Allowable Subject Matter***

Claims 1-13, 23-25/(1-13) and 26 are allowed.

### **Reasons for Allowance**

The following is an examiner's statement of reasons for allowance:

None of the prior art made of record teaches or suggests a method for performing color management of color image data using a device transform, the method comprising the steps of:

generating an identifier key based on contents of a color measurement profile for a color device, the color measurement profile containing measurement data corresponding to the color device;

determining if a device transform corresponding to the identifier key is present in a device transform cache disposed in persistent memory;

loading, in the case that it is determined that a device transform corresponding to the identifier key is present in the device transform cache, the device transform into a program-accessible transient memory;

generating, in the case that it is determined that a device transform corresponding to the identifier key is not present in the device transform cache, a device transform based on the measurement data in the color measurement profile, and storing the generated device transform in the device transform cache in correspondence with the identifier key; and

transforming the color image data based on the device transform loaded in the program-accessible transient memory.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Edge et al (6,362,808) disclose (Fig. 1) a color management system (106) processes the source device profile (108) and the destination device profile (110) to generate a color map (114). The color map (114) describes a relationship between the source and destination devices. A memory (116) stores the color map (114). Subsequently, the color management system (106) uses the color map (114) to transform a set of source coordinates (118) in a device-dependent source device color space into a set of destination coordinates (120) in a device-dependent destination device color space. Fig. 2 shows a source device profile (206), a destination device profile (210), and a color management system (200), which includes a color transformer (214)

-Van Bael (Us 2003/0234943) discloses (Figs. 2 and 3) a color management system provides tools to match colors for color separation, color proofing, and color simulation (Sections 4-7).

-Newman (US 2003/0020727) discloses (Fig. 4) a color management module (144) for transforming the color space of the source device (15) to the color space of the destination device (100).

-Ohga et al (US 2003/0053094) disclose an image that has undergone color conversion in correspondence with the output characteristics of a printing press as a target is printed using a copying machine or printer for the purpose of proof.

-Namikata (US 2003/0193688) discloses an image processing system for performing color matching.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BELLA MATTHEW can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/650,548  
Art Unit: 2676

Page 7

M. Luu

A handwritten signature in black ink, appearing to read "Matthew Luu", with a stylized flourish at the end.

**MATTHEW LUU**  
**PRIMARY EXAMINER**